

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

GILBERT DIAZ,

Plaintiff,

vs.

Civ. No. 00-862 JP/WWD

ALBUQUERQUE, NEW MEXICO POLICE
DEPARTMENT, and APD OFFICERS RAY BACA,
DON McGRATH, INDIVIDUALS PERFORMING
UNAUTHORIZED ACTS WHILE ON OFFICIAL
DUTY, AND OTHERS YET UNNAMED, ALL
INDIVIDUALLY, JOINTLY AND SEVERALLY,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant McGrath's Motion to Compel Plaintiff Gilbert Diaz's Responses to Interrogatories and Request for Production [docket no. 84]. Defendant McGrath ("McGrath") seeks an order compelling Plaintiff to give full and complete answers to interrogatories numbered 3, 5, 7, 8, 9, 12, 13, 15, 16, 17, and 18. McGrath also seeks an order requiring that the documents sought in items 1, 2, 5¹, 6, 8, and 9 of McGrath's request for production be produced. No response has been filed to the motion to compel. Our local rule, D.N.M. LR-Civ. 7.3(a)(4) reads, in pertinent part, as follows:

The failure of a party to serve a response within the time prescribed ... constitutes consent that briefing is complete.

¹A medical release in the form set out in the local rules of this Court will be required.

I find that the responses to the following interrogatories are incomplete and that full and complete answers should be made to interrogatories numbered 5, 7, 9, 12, 13, and 17. Items numbered 1, 2, 5, 6, and 8 in the request for production should be produced by Plaintiff. The motion is denied with respect to the other discovery which is sought.

The discovery which is ordered above shall be served on Defendant McGrath on or before February 8, 2002.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE